

EXHIBIT O



U.S. Department of Justice

**Bureau of Alcohol, Tobacco,
Firearms and Explosives**

Enforcement, Programs & Services

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Open Letter regarding the Franklin Armory Reformation Firearm

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has received questions from industry members and the general public regarding a new type of firearm produced by the Franklin Armory®. This firearm, known as the “Reformation”, utilizes a barrel that is produced with straight lands and grooves. This design contrasts with conventional rifling, in which the barrel’s lands and grooves are spiral or twisted, and are designed to impart a spin onto the projectile.

The ATF Firearms and Ammunition Technology Division (FATD) has examined the Reformation firearm for purposes of classification under the applicable provisions of the Gun Control Act (GCA) and the National Firearms Act (NFA). During this examination, FATD determined that the straight lands and grooves incorporated into the barrel design of the Reformation do not impart a spin onto a projectile when fired through the barrel. Consequently, the Reformation is not a “rifle” as that term is defined in the GCA and NFA.¹ Moreover, because the Reformation is not chambered for shotgun shells, it is not a shotgun as defined in the NFA.² Given these determinations, the Reformation is classified as a shotgun that is subject only to the provisions of the GCA (*i.e.*, it is not a weapon subject to the provisions of the NFA).³

Under the provisions of the GCA, if a Reformation firearm is equipped with a barrel that is less than 18-inches in overall length, that firearm is classified to be a short-barreled shotgun (SBS).⁴ When a Reformation is configured as a GCA/SBS, specific provisions of the GCA apply to the transfer of that firearm from a Federal Firearms Licensee (FFL) to a non-licensee, and to the transport of that firearm by a non-licensee in interstate or foreign commerce. These provisions are:

- 1) 18 U.S.C. § 922(a)(4) requires that an individual wishing to transport an SBS in interstate or foreign commerce obtain approval by the Attorney General to transport the firearm.
- 2) 18 U.S.C. § 922(b)(4) requires authorization from the Attorney General consistent with public safety and necessity prior to the sale or delivery of an SBS to an individual by an FFL.

¹ See 18 U.S.C. 921(a)(7) and 26 U.S.C. 5845(c).

² See 26 U.S.C. 5845(d).

³ See 18 U.S.C. 921(a)(5).

⁴ See 18 U.S.C. 921(a)(6).

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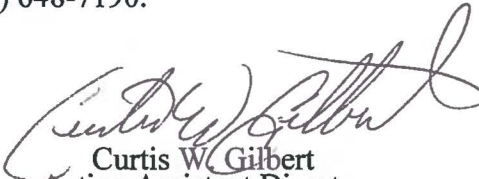
The Attorney General has delegated the authority for approval of requests pursuant to these sections to ATF.

The Franklin Armory Reformation is the first firearm produced and sold by an FFL that ATF has classified as a GCA/SBS. Because GCA/SBS firearms have not previously been available in the marketplace, existing federal firearm regulations do not provide a mechanism to process or approve requests from FFLs for approval to transfer a GCA/SBS to a non-licensee pursuant to section 922 (b)(4) or requests from non-licensees to transport a GCA/SBS pursuant to section 922(a)(4).

ATF is currently developing the procedures and forms to address this new type of firearm. Once promulgated, these new procedures and forms will provide the mechanism necessary for FFL holders and owners of GCA/SBS firearms to request the statutorily required approvals. Until such time, you should be aware of the following:

- 1) An FFL may lawfully sell/transfer a GCA/SBS, such as the Reformation, to the holder of an appropriate FFL (a GCA/SBS cannot be transferred to the holder of a type 06 or type 03 FFL).
- 2) No mechanism currently exists for ATF to authorize a request from an FFL to transfer a GCA/SBS, such as the Reformation, to a non-licensee. Therefore, until ATF is able to promulgate a procedure for processing and approving such requests, an FFL may not lawfully transfer a Reformation configured as a GCA/SBS to a non-licensee.
- 3) No mechanism currently exists for an unlicensed individual who possesses a GCA/SBS, such as the Reformation, to submit a request and receive approval to transport the GCA/SBS across state lines. Therefore, until ATF is able to promulgate a procedure for processing and approving such requests, the possessor or owner of a GCA/SBS, such as the Reformation, may not lawfully transport the firearm across state lines.

Any questions pertaining to this Open Letter may be sent to the Firearms Industry Programs Branch at FIPB@atf.gov or (202) 648-7190.


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NOTICE: This is a guidance document that does not have the force or effect of law. It is not a final agency action, has no legally binding effect on persons or entities outside the Federal government, and may be rescinded or modified in the agency's complete discretion. To the extent this guidance document sets out voluntary standards, such as recommended practices, then compliance with those standards is voluntary and noncompliance will not, in itself, result in any enforcement action. However, persons must comply with the requirements of the underlying statutes, legislative rules, and regulations that apply to the facts presented in this guidance document. For further information, see Memorandum from the Attorney General (November 16, 2017) at <https://www.justice.gov/opa/press-release/file/1012271/download>.